

Local Government
OMBUDSMAN

**The Local Government Ombudsman's
Annual Letter
Staffordshire County Council
for the year ended
31 March 2008**

The Local Government Ombudsman (LGO) provides a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, the Ombudsmen aim to get it put right by recommending a suitable remedy. The LGO also uses the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual letters.

Annual Letter 2007/08 - Introduction

This annual letter provides a summary of the complaints we have received about Staffordshire County Council. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your service improvement.

I hope that the letter will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two attachments form an integral part of this letter: statistical data covering a three year period and a note to help the interpretation of the statistics.

Complaints received

Volume

We received 42 complaints against your Council during the year, 29 fewer than last year and 88 fewer than in 2005-2006. This is a marked and sustained downward trend and I believe the Council can view it with some satisfaction.

Character

Thirteen complaints, approximately a third of all those we received against your Council, were about adult care services. This is fewer than half the number received last year (28). Ten complaints concerned children and family services and account for a quarter of the total.

Five complaints were made about education matters and this represents a reduction of two thirds compared to last year (15).

We received a similar number of complaints to previous years in the areas of planning and building control (three) and transport and highways (ten).

One complaint was received about waste management.

Decisions on complaints

Reports and local settlements

When we need to complete an investigation we issue a report. I issued no reports against your Council this year.

A 'local settlement' is a complaint where, during the course of our investigation, the Council has agreed to take some action which we consider is a satisfactory response to the complaint. The investigation is then discontinued.

In 2007/08 the Local Government Ombudsmen determined some 27% of complaints by way of local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction).

Nine complaints were settled locally this year, and the Council paid a total of £10,750 in compensation.

Four of these complaints were about services for children.

In a case of adoption breakdown the Council failed to conduct initial and core assessments which would have resulted in the involvement of other agencies and failed to give a clear response to the parents' request for a referral to a private therapeutic centre. The Council did not work in partnership

with the parents and there was inadequate planning for the child's best interests. This resulted in additional anxiety for the complainants and considerable frustration. The Council apologised and agreed to make a payment of £750.

A young person looked after by the Council complained that the Council had failed to make appropriate care plans for him and had moved him without consultation and without seeking his views. He further complained that it had failed to take action, even after he had made a formal complaint, to prevent him being bullied in the children's unit where he had been placed and that the physical conditions in the unit were poor. The young person felt that he was not being listened to and that no-one cared. He was unhappy, frightened and at real risk of physical harm. He made his complaint after he had been moved to a safe environment where he felt secure. It is to the Council's credit that it swiftly agreed to settle the complaint locally by apologising and making a payment of £2000. I am pleased that the Council recognises the need to respond promptly where complaints from young or vulnerable people are concerned.

A complaint about education concerned efforts made by the Council to integrate a young person with a Statement of Special Educational Needs, that named a special school, into mainstream education. His statement was never amended and several unsuccessful trials were followed by periods where he received little or no education during his final statutory school year. While the Council considered that it had done all it could to meet the complainant's requests about her child's education it agreed to review its procedures and made a payment of £1000 to the complainant and £1000 to the young person to resolve the complaint.

A further complaint about lack of educational provision for two years following the exclusion of a child with special educational needs resulted in the Council agreeing to make a payment to the complainant of £500 for stress and disruption. It also agreed to make £400 available for a computer, to provide a learning support assistant and transport to assist in re-integrating the child into school. Finally, it agreed to make the sum of £4100 available for the young person until he is 19 years old for support with appropriate educational or vocational courses, with the proviso that if no approach is made then this part of the remedy will lapse and the compensation will not be paid.

In a complaint about adult care services, the Council had delayed in taking action on recommendations from a Stage 2 investigation about the complainant's options for care. To remedy the complaint the Council undertook to implement the recommendations for which it is entirely responsible within three months and to make a payment of £500 for time, trouble and distress.

Confusion about whether the County Council or Cannock Chase District Council was responsible for an alleyway which was subject to anti social behaviour problems led to delays in the complainant being able to apply for a gating order. The Council was slow to respond to my proposed settlement but finally agreed to pay the complainant £250 and to introduce a new procedure for applying for a gating order. The District Council also made a payment of £250.

The Council gave a complainant misleading advice about the process to be used to incorporate highways land into the complainant's property. The process advised was never capable of providing the desired outcome and the complainant wasted time and money. The Council made a payment of £500 to cover the costs incurred and for time and trouble.

No specific learning points were raised by the remaining two complaints.

Other findings

Ten complaints were treated as premature and referred back to your Council so that they could first be considered through your Council's complaints procedure.

In a further five cases I took the view that the matters complained of were outside my jurisdiction.

The remaining 35 complaints were not pursued because no evidence of maladministration was seen

or because it was decided for other reasons not to pursue them, mainly because no significant injustice flowed from the fault alleged.

Your Council's complaints procedure and handling of complaints

The reduction in the number of complaints made to me indicates that your Council has a robust complaints handling procedure which is easily accessible to residents in the Council's area. This view is supported by the fact that the ten complaints decided as premature represent 17% of the total number of complaints determined this year. This is significantly less than the national average, which this year is 27%.

Two complaints that had been referred back to the Council as premature were resubmitted. One of these was not pursued because there was no evidence of maladministration and the other was still under consideration at the end of the year.

Liaison with the Local Government Ombudsman

Enquiries were made on 19 complaints during the year. Your Council's average response time of just under 29 days was a significant improvement on last year's average of 40 days and I am sure your Council will continue to make improvements in this area to meet my target timescale of 28 days. I am very grateful for the progress here.

In complex cases, I appreciate that the Council may need more time to gather information and to prepare its response. It is always appreciated when a council contacts my office to explain that it needs more time because we can then keep the complainant informed. I am a little disappointed that of the four enquiries made about school admissions only one arrived with us within 29 days. The other three took 44, 58 and 75 days respectively. I consider this unacceptable where children may be without school places and I would urge your Council to effect improvements in this area in 2008-2009.

Training in complaint handling

Part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. This year we carried out a detailed evaluation of the training with councils that have been trained over the past three years. The results are very positive.

The range of courses is expanding in response to demand. In addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution) we now offer these courses specifically for social services staff and a course on reviewing complaints for social care review panel members. We can run open courses for groups of staff from different smaller authorities and also customise courses to meet your Council's specific requirements.

All courses are presented by an experienced investigator so participants benefit from their knowledge and expertise of complaint handling.

I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings.

LGO developments

We launched the LGO Advice Team in April, providing a first contact service for all enquirers and new complainants. Demand for the service has been high. Our team of advisers, trained to provide comprehensive information and advice, have dealt with many thousands of calls since the service started.

The team handles complaints submitted by telephone, email or text, as well as in writing. This new power to accept complaints other than in writing was one of the provisions of the Local Government

and Public Involvement in Health Act, which also came into force in April. Our experience of implementing other provisions in the Act, such as complaints about service failure and apparent maladministration, is being kept under review and will be subject to further discussion. Any feedback from your Council would be welcome.

Last year we published two special reports providing advice and guidance on 'applications for prior approval of telecommunications masts' and 'citizen redress in local partnerships'. I would appreciate your feedback on how useful you have found these reports, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships involving your Council.

Conclusions and general observations

I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

**J R White
Local Government Ombudsman
The Oaks No 2
Westwood Way
Westwood Business Park
Coventry CV4 8JB**

June 2008

Enc: Statistical data
Note on interpretation of statistics
Leaflet on training courses (with posted copy only)

Complaints received by subject area	Adult care services	Children and family services	Education	Other	Planning & building control	Social Services - other	Transport and highways	Total
01/04/2007 - 31/03/2008	13	10	5	1	3	0	10	42
2006 / 2007	28	8	15	7	4	0	9	71
2005 / 2006	3	10	24	20	65	1	7	130

Note: these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Premature complaints	Total excl premature	Total
01/04/2007 - 31/03/2008	0	9	0	0	23	12	5	10	49	59
2006 / 2007	4	5	0	0	24	78	5	9	116	125
2005 / 2006	0	2	0	0	17	4	5	27	28	55

See attached notes for an explanation of the headings in this table.

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
01/04/2007 - 31/03/2008	19	28.8
2006 / 2007	28	39.8
2005 / 2006	85	41.0

Average local authority response times 01/04/2007 to 31/03/2008

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	56.4	24.6	19.1
Unitary Authorities	41.3	50.0	8.7
Metropolitan Authorities	58.3	30.6	11.1
County Councils	47.1	38.2	14.7
London Boroughs	45.5	27.3	27.3
National Park Authorities	71.4	28.6	0.0